

COMMITTEE REPORT

Date: 10 December 2015 **Ward:** Acomb
Team: Major and Commercial Team **Parish:** Parish Of Rufforth With Knapton

Reference: 15/01711/OUTM
Application at: Land Lying to the West Of 41 Knapton Lane York
For: Outline application for erection of 14no. dwellings
By: Novus Investments Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 6 November 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is an outline application for the erection of residential development on 0.73 Ha of land at Knapton Lane, York.

1.2 As an outline application matters may be reserved for later submission. In this case matters reserved are layout, scale, appearance and landscaping details; the access arrangements have been provided as part of the submission.

1.3 The site comprises an area of land to the west of 41 Knapton Lane. 41 Knapton Lane is a semi detached property fronting Knapton Lane with a substantial rear garden area which has a joint boundary with the site running north/south. The rear of the application area abuts development accessed from Lochrin Place. To the west of the site are open agricultural fields that, together with the application site, separate Knapton village from properties along Knapton Lane. The land is to be accessed from Knapton Lane.

1.4 Although submitted in outline with matters reserved, an illustrative layout indicates the erection of 14 houses. The proposed access is located towards the south western side of the site and is proposed as a 5.5 metre access road with 2 metre footpath access on either side. The proposal is to provide footpath access at the entrance point with two uncontrolled tactile dropped kerbed crossing points directing pedestrians to the opposite side of Knapton Lane.

1.5 Documentation submitted with the application include a Design and Access Statement, Transport Statement, Planning and Sustainability Statement, Statement of Community Involvement, Ecological Appraisal and a Drainage Assessment.

PLANNING HISTORY

1.6 The following planning applications are relevant to the site area:-

- Planning permission was refused in 1974 for the erection of residential development on the site. The refusal concluded that the development would not accord with the requirements of the development plan and the development would not constitute meaningful rounding off. Development was also resisted because the land protected the identity and character of Knapton.
- In 2005 permission was granted for the removal of an ash tree covered by a Tree Preservation Order.

1.7 A Tree Preservation Order has recently been served on trees within the rear of the site. The order is subject to objection and has not yet been formally confirmed (the trees are protected under a provisional order)

1.8 A separate Tree Preservation Order covers trees to the frontage of Knapton Lane under Tree Preservation Order no.CYC205. This order has been in place since 2005.

2.0 POLICY CONTEXT

Policies:

2.1 City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005). Relevant policies applicable to this application include:

- SP2: The York Green Belt
- SP7a: The sequential approach to development
- GB1: Development in the Green Belt
- GB6: Housing Development Outside Settlement Limits
- GP1: Design
- GP4A: Sustainability
- GP9: Landscaping
- HE10: Archaeology
- NE1: Trees Woodlands and Hedgerows
- NE8: Green Corridors

2.2 Emerging Local Plan : See paragraphs 4.17 – 4.19 below.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Improvements to the nearest bus stops are sought through a section 106 agreement and incentives offered to first occupiers to choose sustainable modes of transport. The proposed access arrangements are unacceptable. The crossing points at the access do not have sufficient pedestrian visibility. The path should extend from the access point along the site frontage to join with the existing path on Knapton Lane.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY) - The proposals will result in the loss of the majority of habitat on site, save some of the mature trees at the front of the site (south-eastern corner). Whilst the new screening belt on the western boundary could provide mitigation, it would take a long time for these to reach a similar maturity as the willow coppice stools that will be lost.

3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE) - Significant objections to the scheme based on the loss of tree cover within the site (including loss of trees covered by a Tree Preservation Order) and the loss of landscape setting of the entrance to the city and reduction in the space between Knapton and the City.

3.4 PUBLIC PROTECTION - No objections to the principle of the development subject to conditions to ensure residents are protected during the construction phase, contamination and protection of air quality.

3.5 FLOOD RISK MANAGEMENT TEAM - No objections in principle subject to conditions which seek to control the discharge of surface water from the site.

EXTERNAL

3.6 RUFFORTH WITH KNAPTON PARISH COUNCIL - fully supports local residents in Knapton Lane, Knapton and the surrounding area in their objections to this application. Objects for the following planning reasons:

1. The land has always been part of the "Green Belt" which protects Knapton from being coalesced. On previous occasions this site has been refused permission for development on these and other grounds.
2. The description of the site as waste ground is incorrect.
3. The access to the site is on an already dangerous bend on Knapton Lane. A large refuse vehicle turning left from the site looks as if it would have problems per drawing 3295/SK001/003 on a difficult bend in the road. This would apply also to site traffic during development.

4. The Rufforth with Knapton Neighbourhood Plan questionnaire put the importance of protecting Green Belt very high and comments are around supporting open spaces and a rural village feel.
5. The ecological appraisal refers to foraging habitat for bats but says there is no roosting, residents say they are there.
6. The access point from the site needs more thought as it is on a difficult and dangerous bend. There are also concerns about the additional volumes of traffic through Knapton Village from the site.

3.7 AINSTY INTERNAL DRAINAGE BOARD – States the site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.

3.8 YORKSHIRE WATER AUTHORITY - States the submitted drainage information is not satisfactory as it does not clarify whether soakaways can be used. The public sewer does not have enough capacity to take the surface water from the site.

3.9 YORK NATURAL ENVIRONMENT TRUST - States there are two copses within the application site one dominated by Ash and the other dominated by willow. The ash saplings are important in the search for strains resistant to ash dieback disease. Young trees can now be protected by TPO and this is recommended. The copse enhances views of the city edge and the value of the views out of Knapton village are recognised in their village plan. The site acts as flood storage for water and the site has a large amphibian population, the presence of Greater Crested Newts should not be discounted. Loss of the site to development would add to the burden of land drainage which is already overburdened and damage habitats. The site is within the Green Belt; it is not surrounded by houses. Overall the site plays a key part as an interface and connection between countryside and the Acomb Green Corridor. Approval of green sites inevitably deter development on brownfield land.

3.10 OTHER REPRESENTATIONS - There are 81 letters of objection to the application including a communal objection (which is a substantial comprehensive document) on behalf of the friends of Knapton Lane woodland, a 55 signature petition from the Knapton Lane residents association as well as a planning consultant's response sent on behalf of the residents association and other residents in the area. The objections cover the following points:-

- The site is in Green Belt; the development is inappropriate development and should not be approved except in 'very special circumstances' - no 'very special circumstances' exist.
- The Inspector's report into the 1994 North Yorkshire Green Belt Local plan Inquiry considered that the land performed several important Green Belt functions.
- All maps in the last 20 years have shown the site to be in Green Belt.

- Letter to residents in 2011 from planning committee member advised that the site would be considered as Green Belt.
- The map accompanying the document 'have your say on York's Local Plan' shows the site in Green Belt
- The site makes a significant contribution to all the recognised Green Belt purposes
- The site has considerable environmental and ecological value
- The TPO on the rear part of the site is completely ignored by the developer
- Environmental damage will be caused by the development which can not be mitigated by a 17 metre wide landscape buffer
- Access is on a dangerous bend
- Site currently serves as a natural and free soak away to the surrounding area. Existing tree cover is important. Flooding has occurred on the land and this is not acknowledged by the developer
- Important visible feature of the local landscape
- Loss of recreational amenity to residents and visitors to York. Knapton Lane through to Knapton village is a well used walking route with a relatively safe crossing over the A1237.
- Density of development is insensitive to the character of the area.
- There will be damage to road surfaces, traffic jams, and general pollution and disruption caused by heavy construction traffic and building work
- The application is reliant upon the fact that there is no clear plan for development in York
- Brownfield site should be developed first
- York suffers from an absence of woodland, woodland is important to retain where it exists.
- Insufficient information has been submitted to assess the application.
- The proposal does not represent infill development as has been suggested.
- Development could affect the privacy of properties on Lochrin Place especially if development is three storeys high.
- With the amount of major development proposed within the vicinity of this site local roads will struggle to cope.
- Site provides separation between settlements and prevents encroachment into the countryside.
- Allocation of the site has been rejected
- The developer's view that the Green Belt has no status is incorrect; the Green Belt has status because the policies in the Regional Spatial Strategy relating to York's Green Belt have not been revoked.
- Erection of 14 dwellings is over development of this site.
- Knapton Lane/Ten Thorne Lane are high amenity areas as it is a popular pedestrian and cycle route. The levels of traffic on the road would be detrimental to the amenity of the area.

4.0 APPRAISAL

4.1 Key Issues:-

- Planning policy
- Green Belt
- Character and appearance of the site
- Site layout
- Access
- Ecology
- Tree preservation order
- Drainage

PLANNING POLICY

National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. Foot note 9 reference to paragraph 14 indicates restrictions include Green Belt locations.

4.3 The core planning principles at paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.4 Paragraph 50 of the NPPF supports the delivery of a wide choice of high quality homes to create a sustainable, inclusive and mixed community. Local Authorities are therefore required to plan for a mix of housing based upon current and future demographic needs of different groups in the community and which reflects local demand. Paragraph 7 (sustainable development principles) defines the 3 dimensions to sustainable development which includes the supply of housing to meet the needs of the present and future generations in accessible locations. Paragraph 34 states that developments should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 152 (Strategic priorities within the Local Plan Area) states that Local Planning Authorities should seek to achieve the three dimensions of sustainable development, avoid adverse impacts and pursue alternative options which would reduce or eliminate such impacts.

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.6 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 88 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate subject to a number of exceptions. Only dwellings which are for agricultural or forestry purposes or form part of a rural exception site (affordable housing) are exceptions.

4.7 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). In preparing plans, Paragraphs 110 and 113 are required to minimise effects on the environment and set criteria based policies which protect biodiversity to enable commensurate protection to their status as well as the contribution they make to wider ecological networks. Paragraph 118 requires that in considering planning applications the aim should be to conserve and enhance biodiversity.

4.8 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of

consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight).

National Planning Practice Guide (NPPG)

4.9 In general, the NPPG supports the priorities set out in the NPPF with regards to the delivery of a suitable mix and type of housing / accommodation as well supporting the requirements to meet the health and well-being of residents through suitable infrastructure delivery.

4.10 The NPPG also supports policies set out in the NPPF in relation to conserving and enhancing the environment, including identification of local ecological networks.

4.11 The NPPG advises that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'Very special circumstances' justifying inappropriate development on a site within the Green Belt.

Development Plan

4.12 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies require the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.13 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for Development Management purposes.

4.14 The 2005 DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.15 The site is shown as being located within Green Belt on the proposals map in the plan.

4.16 Policy GB6: 'Housing Development Outside Settlement Limits' is relevant given that this site sits outside of the settlement limit for the main urban area as well as Knapton Village as shown on the proposals map for the Local Plan Fourth Set of Changes (2005). This policy states:

'Housing development (other than replacement dwellings) outside defined settlement limits in the Green Belt and open countryside will only be permitted where:

- a) it is essential for agriculture or forestry in that area; or
- b) it is for affordable housing development on small 'exception' sites that comply with the criteria outlined in policy GB9'

EMERGING LOCAL PLAN

4.17 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

4.18 Policy H3: Balancing the Housing Market sets York's local requirement for a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up-to-date Strategic Housing Market Assessment. It states that 'Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and /or care.'

4.19 The site is shown within the Green Belt on the latest version of the Local Plan Proposals Maps (Publication draft, 2014).

LOCAL PLAN EVIDENCE BASE

4.20 The Site Selection paper prepared for the Preferred Options stage of the emerging local plan included this site for consideration having received it as part of the Call for Sites 2012. The site was incorporated into amalgamated site 326 in the Site Selection Paper. Following consultation on the Preferred Options, the Council undertook a Further Sites Consultation (FSC) in 2014 to consult on new sites submitted and changes to draft allocations previously included. Further evidence in relation to this site was received to analyse the site boundary for this parcel of land separately to the amalgamated parcel. The site was not put forward for allocation primarily because of ecology, landscape and viability concerns. The conclusion of the technical officer report for the site states:

'Development of this site would be severely limited due to the buffering required to maintain the ecological corridor. It is also considered that development of the site would change the setting and approach into the city as currently categorised by housing to the front with long gardens behind, The cumulative effects of landscape/ecology/setting and viability would reduce the site size significantly and likely make the site unviable.' The Publication draft Local Plan (October 2014) therefore did not include this site as an allocation.

4.21 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

GREEN BELT

4.22 The site is located within the general extent of the Green Belt as described in the RSS. The policies in the RSS have been retained in order to establish long term development limits that safeguard the special character and setting of the historic city. The site is shown as being within Green Belt on the proposals map in the DCLP and is retained within the Green Belt in the emerging Local Plan.

4.23 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.24 Paragraph 89 of the NPPF establishes that the construction of new buildings, with a number of exceptions, is inappropriate in the Green Belt. The submitted information with this application does not argue that any of the exceptions set out in paragraph 89 apply to the site.

4.25 Similar to Paragraph 89 GB1 of the DCLP is permissive of certain development in the Green Belt. The proposal is not for any of the purposes listed and confirms the position within paragraph 89 of the NPPF that all other forms of development within the Green Belt are considered inappropriate. The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

OPENNESS AND PURPOSES OF GREEN BELT

4.26 To the east of the site is 41 Knapton Lane a semi detached property fronting Knapton Lane with long rear garden running the full length of the eastern site boundary. This pattern of long rear gardens continues down the north side of Knapton Lane. Three houses accessed from Lochrin Place abut the northern end of the site; Knapton Lane runs along the southern side with semi-detached houses beyond. These are set back from the road and separated from it by substantial front gardens with hedged and walled front boundaries. The western side of the site is open to the fields. The proposed development, which consists of in depth development in a new landscape structure, will introduce new development into an area that is currently undeveloped. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. In introducing development on to an undeveloped site, the proposal would result in a loss of openness. Officers would attach significant harm to the loss of openness on this pivotal site between Knapton and Acomb.

4.27 Paragraph 80 of the NPPF sets out the purposes of Green Belt; These are to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. As has been discussed within the call for sites procedure the application area is considered important in maintaining the division between York's urban area and the rural settlement beyond. The land is considered to contribute to openness and the setting of the city and assists in safeguarding the countryside from encroachment. This helps to achieve urban regeneration by encouraging the recycling of derelict land and other urban land rather than green field sites. The existing built edge of the settlement is well defined by trees and hedging and through its site characteristics restricts sprawl of the urban area creating an appropriate stop to the urban edge. Furthermore the site is part of a relatively narrow area of land which separates Knapton village from the urban area of York. The land is important to the rural setting of Knapton and thus the land has a role to play in preventing coalescence. In Officers' opinion the proposal would have an adverse effect on all of the purposes of including land in the Green Belt.

4.28 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause harm to openness and Green Belt purposes.

CHARACTER AND APPEARANCE

4.29 The Landscape Architect has, through her consultation response, set out an assessment of the landscape character of the area. The wider landscape character to the west of Acomb/Knapton, and beyond the ring road, is informed by intense arable farming practices, with a resulting relatively large field pattern, interrupted by Harewood Whin and Rufforth airfield. Woodlands are sparse. Some smaller fields and pasture survive around the margins of Knapton village.

4.30 The small scale of the enclosed parcel of land is suited to the edge of settlement location and introduces interest into the landscape setting. From the western approach the vegetation on the application site provides an attractive foil for the arable land, and a softening of the built edge, whilst reinforcing the division between Knapton and Chapelfields, and providing a loose but distinct bookend to the urban edge.

4.31 The site and adjacent garden areas have been identified as a local green infrastructure corridor (see paragraph 4.43 below) making a significant link between the built up area and the open countryside beyond.

4.32 The entrance to the city from Knapton is distinctive; the road is narrow, with hedges and grassed verges, bending as it enters Acomb. The group of trees in the southeast corner of the site are also present on the historic maps, the existing mature trees are subject to Tree Preservation Order CYC 205; these act as a natural gateway feature to Knapton Lane. The site with its tree covered frontage, informal tree layout and open grass land obscures views into the urban area and is a significant element of the visual quality of the Lane.

4.33 The application proposes a woodland belt along the site's outer western edge. This would be relatively narrow and conspicuous in its regular width and would project in to the western open field. The position of the tree belt, its regularity and its separation from the garden areas on Knapton Lane would not provide an adequate replacement for the existing informal nature of the landscape. The loss of the site and the section of the adjoining open agricultural field to development and new landscaping would significantly reduce the limited separation between Knapton village and the City. Knapton Village Design Statement identifies the open views from the village as one of its most valued assets, including views along Ten Thorn Lane stretching to the boundary with the City of York. Design guideline no.5 states 'In accordance with Local Plan policies the green and open land between Knapton and York should be preserved to maintain the rural character and open vistas of the village and avoid merging with the edge of neighbouring settlements.'

4.34 The proposal to introduce an estate form of development within a lane that is characterised by frontage development with long rear gardens is at odds with the prevailing character and appearance of the area.

4.35 Overall it is considered that the erection of 14 dwellings as part of an in depth development served from Knapton Lane with landscaped western boundary would not be compatible with the prevailing character of the area, detracting from the open rural setting of Knapton village and the rural setting of the city and would cause significant harm to the character and appearance of the area. This is contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

SITE LAYOUT

4.36 All matters related to the site layout apart from the entrance from Knapton Lane have been reserved however an illustrative layout shows the site being developed as an estate development providing for 14 houses.

4.37 The density requirements in the DCLP are for 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere. The emerging local plan seeks densities higher than this in urban areas at 50 dwellings per hectare and 35 dwellings per hectare in rural areas. Policies require that consideration is given to the overriding character of the area when designing a layout and the appropriate density and acknowledge that compatibility with a site's surroundings will be important.

4.38 For the reasons discussed in the character and appearance section of this report it is considered that the proposed estate form of development is not appropriate to the prevailing character of Knapton Lane which consists of frontage development within large garden plots. Development on a consistent or similar line with existing houses on Knapton Lane would not be achievable because of the tree preservation order along the site frontage.

4.39 Commenting on the submitted layout, Environmental Management (Landscape) raises concerns that the proximity between rear garden areas in the proposed layout and the new tree belt will be too close and would be likely to lead to requests for works to trees once the tree belt matures. It is considered that a detailed scheme providing an acceptable relationship between rear garden areas and proposed trees could be achieved if the principle of the form of development were found to be acceptable.

4.40 As submitted the layout of the scheme is considered inappropriate to the prevailing character of development along Knapton Lane.

ACCESS

4.41 The application includes details of access arrangements. The scheme shows a new access into the site from the west side of the site frontage. The access point is designed with a typical estate entrance detail of 5.5 metre carriageway with two 2 metre footpaths. The access point shows a visibility splay of 2.4 by 45 metres eastwards and 2.4 by 48 metres westwards. Uncontrolled crossing points are proposed at either side of the entrance to allow pedestrians to cross to the south side of Knapton Lane. Highway Network Management (HNM) is not satisfied with the proposed access detail. There are concerns that the pedestrian crossing points do not have sufficient visibility. The solution suggested by HNM is to extend the footpath along the site frontage to join the existing footpath to the east of the site. There would then be no need for crossing points. The applicant has sent in an amended plan which shows the amended footpath arrangements suggested by HNM. Whilst the technical solution proposed by HNM is the best option from a pedestrian safety perspective, the extension of the footpath would reduce the grass verge along the site frontage and would necessitate works to the trees which overhang the verge and are covered by a Tree Preservation Order. The hard surface may also impinge on the roots of the trees. Officers are not satisfied that a form of access has been provided that ensures the safety of highway users and protects the trees within, and the visual amenity of, the site and its surroundings.

ECOLOGY

4.42 The application area is identified as being within a Local Green Infrastructure Corridor (13 Acomb Corridor) in the evidence base to the emerging Local Plan (Open Space and Green Infrastructure - September 2014). Through the Local Biodiversity Action Plan these have been identified across York with the aim to link together habitat to create an overall structural network for wildlife. The Acomb Corridor is important for a series of grassland sites (many designated as SINCs) and extensive aligned gardens linked to create a network of corridors through the area. Priorities for wildlife enhancement of this corridor include neutral/acid grassland, garden habitat, fens and marshes, and ponds.

4.43 Environmental Management (Ecology) is satisfied that the ecology report submitted provides a fair representation of the site. The site is an interesting mosaic of habitats providing structural variation in the vegetation. The bluebells and lords and ladies recorded in the broad-leaved woodland area to the front of the site can indicate that woodland has been present in an area for a long time and indeed the 1853 OS Map shows trees in this area. Where this woodland meets the area of grassland and ash saplings there is a small, notably wetter area where there is one stand of yellow iris, and marsh woundwort is frequent. At the rear of the site is an area of willow (possibly old coppice stools) where the ground flora is sparser. The site appears to have regular disturbance through public access, although the density of the vegetation naturally restricts this access.

4.44 Together, the site with the gardens of Knapton and Beckfield Lane form a sizeable piece of semi-natural habitat. This area will currently be unlit adding to its value for wildlife such as hedgehogs which are a species 'of principal importance for the purpose of conserving biodiversity' covered under section 41 (England) of the Natural Environment and Rural Communities (NERC) Act (2006) and protected species such as bats. Whilst the development is unlikely to significantly impact on these species it will erode the habitat available to them. Environmental Management concurs with the ecology report that the site is unlikely to support roosting bats but is likely to be used for foraging. The site also presents good nesting habitat for common bird species.

4.45 The applicant's ecology report concludes that 'the vegetation to be cleared has a low ecological significance in the local area' (paragraph 7.1.3). The Countryside Officer disagrees with this conclusion. The habitats on site can be assessed as being of local importance as wooded areas within the local context are uncommon.

4.46 The Chartered Institute of Ecology and Environmental Management's (CIEEM) Guidelines for Ecological Impact Assessment defines a significant ecological impact as 'an impact on the integrity of a defined site or ecosystem and/or the conservation status of habitats or species within a given geographical area, including cumulative impacts.'

4.47 Policy NE8 of the DCLP 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

4.48 Officers consider that in the medium term the development would have a negative impact on the integrity of the Acomb Green Corridor through the loss of habitats on site. Environmental Management say that the proposals will result in the loss of the majority of habitat on site, save some of the mature trees at the front (south-eastern corner). Whilst the new screening belt on the western boundary could provide mitigation, it would take a long time for these to reach a similar maturity as the willow coppice stools that will be lost. If designed properly, the proposed tree belt could eventually replace the existing biodiversity to be lost at the site.

4.49 The NPPF says that in determining applications authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided through adequate mitigation or as a last resort, compensated for, then planning permission should be refused. The scheme will result in the loss of trees and areas of habitat at the rear of the site as well as disruption to the habitat

along the site frontage through the introduction of the proposed access. It would change the sites importance to the Local Green Infrastructure Corridor. As a site for 14 houses the contribution of the site to York's wider housing need is relatively limited. The new compensatory landscaping is located partially within the adjacent agricultural field and would separate the proposed landscape from the wider landscape benefits provided by the existing areas connection to the Knapton Lane gardens. Loss of the biodiversity of the site is considered to be harmful to the green corridor and contrary to the advice in NPPF paragraph 118 and NE8 of the DCLP.

TREE PRESERVATION ORDER

4.50 Trees along the frontage of the site are covered by Tree Preservation Order (TPO) no. CYC205. This order has been in place since 2005 and covers the area of land to the site frontage including the area where the access road is positioned. In 2015 a further TPO was placed on trees to the rear of the site. This is a woodland order covering willows within the site (order number CYC341). This order is currently provisional but may have been confirmed by the time the application is considered at committee; Members will be updated at committee on this matter.

4.51 The Town and Country Planning Act 1990 and subsequent acts and regulations allow the protection of trees for amenity reasons. Policy NE 1 of the DCLP says that development should be refused that would result in the loss or damage of trees and woodland.

4.52 The Arboricultural report by JCA Ltd. was carried out in March 2015. The arboriculturalist carried out a TPO check on 2nd February 2015 at which time the latest TPO had not been served , though the survey does recommend that a further check is carried out prior to any works being undertaken (para.3.3).

4.53 The TPO'd Willows making up the woodland in the northern half of the site are identified as G10 within the Arboricultural Report. There are a significant number of trees within this group, but overall the condition of the trees is considered to be 'Good' (out of good, fair, or poor). Life expectancy is estimated at approximately 20-40 years (out of less than 10, 10-20 yrs, 20-40 yrs, or more than 40). Thus the trees are of moderate quality with a significant life expectancy. However the survey states the amenity value of group 10 to be 'low'. According to the arboriculture survey, this places them in retention category 'C' (out of A, B, C and U) rather than B.

4.54 The Willow woodland is visible from the eastern end of Knapton village and along Ten Thorne Lane as one approaches Knapton Lane. It is a distinct soft feature in the landscape, and provides a suitable attractive buffer between the edge of the city and the countryside beyond.

4.55 There are other landscape features that have a more immediate presence and thereby act as a distraction from the presence of the woodland, which is lower in

height than other mature trees in the vicinity, i.e. the standard Oak trees within the hedgerows to the north of Ten Thorne Lane, the larger protected trees fronting Knapton Lane (subject to TPO CYC 205), and the mature, street trees along Knapton Lane. The hedge along Ten Thorne Lane is also a prominent visual feature.

4.56 The proposed development will mean the loss of the majority of the trees subject of the provisional order. The trees as part of the landscape character of the area and are a well-recognised natural asset that make a valuable contribution to the character and appearance of the area. Their loss will be detrimental to the area's character and appearance and contrary to policy NE1 of the DCLP.

4.57 The creation of the site access would result in a reduction in the existing, continuous line of vegetation along the frontage with Knapton Lane, and the potential to perpetuate an uninterrupted group of trees (some of which are covered by the group TPO order) that naturally mark the transition from the built edge to the open countryside. This is an important consideration and is a concern which is addressed in the character and appearance section above. The trees and vegetation that would be affected by the site access is smaller than the large mature trees at the eastern edge of the frontage. The loss of the trees to provide the access is over a limited area, and it is considered that their loss in arboricultural terms could be compensated for within the proposed shelter belt.

DRAINAGE

4.58 The site falls within Flood Zone 1, low risk and should not suffer from river flooding. Objectors raise significant concerns about drainage. Objectors consider that the site and the trees within it provides a natural and free soak away to the surrounding area; the land is frequently flooded.

4.59 The application is supported by a drainage strategy; the Water Authority, the Internal Drainage Board and the Flood Risk Management Team do not object to the principle of development but do require clarification of how surface water from the site will be attenuated. Officers are satisfied that were the principle of development to be acceptable a means of disposal of surface water could be achieved through the use of a Sustainable Urban Drainage System and that drainage requirements could be secured through planning conditions.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.60 The applicant takes the view that the site is not located within the Green Belt because the inner boundary has not yet been defined in any adopted plan and in their view the site does not serve any of the purposes of Green Belt. However the planning statement sets out the issues considered to amount to very special circumstances to outweigh harm by reason of inappropriateness and any other

harm. This is submitted because the applicant has been advised through pre-application that Officers consider the site to be within the Green Belt.

4.61 The applicant says that the very special circumstances are:

- The site has built development on three sides and the proposal represents rounding off.
- The proposed landscape buffer will form a more defensible boundary for any future adopted Green Belt boundary.
- whilst significant weight can not be given to the unmet need for housing the lack of a five year housing land supply can contribute to part of an overall balance and can be afforded modest weight
- creation of jobs in the construction industry and spin off benefits in terms of local spend in the area

HOUSING LAND SUPPLY

4.62 It has been acknowledged in recent appeals/applications that we do not have an NPPF compliant 5 year housing land supply. There are a number of sites to the west of York that have been identified through the call for site and there are also a number of development schemes which are advancing within the urban area in this area. The contribution of 14 dwellings to the unmet housing need is only considered to be of limited weight. Furthermore the NPPG advises that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt.

5.0 CONCLUSION

5.1 The site is located within the general extent of the Green Belt as described in the RSS. The policies in the RSS have been retained in order to establish long term development limits that safeguard the special character and setting of the historic city. The site is shown as being within Green Belt on the proposals map in the DCLP and is retained within the Green Belt in the emerging Local Plan.

5.2 The erection of residential development on this area of undeveloped land on the edge of York is considered to be inappropriate development in the context of section 9 of the NPPF.

5.3 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.4 In officers' opinion the very special circumstances put forward by the applicant; that the development is rounding off of the settlement, that the proposed landscape buffer will provide a more defensible Green Belt boundary, lack of a five year housing land supply and the creation of jobs are not sufficient other considerations to clearly outweigh the definitional harm and other harm (that is harm to the character and appearance of the area, harm to the purposes of Green Belt and openness, harm arising from ecology, the proposed access arrangements and loss of trees covered by a Tree Preservation order) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 The scheme will result in the loss of trees and areas of habitat at the rear of the site as well as disruption to the habit along the site frontage through the introduction of the proposed access. It would change the sites importance to the Local Green Infrastructure Corridor. As a site for 14 houses the contribution of the site to York's wider housing need is limited. The new compensatory landscaping is located partially within the adjacent agricultural field and would separate the proposed landscape from the wider landscape benefits provided by the existing areas connection to the Knapton Lane gardens. Loss of the biodiversity of the site is considered to be harmful to the green corridor and contrary to the advice in NPPF paragraph 118 and NE8 of the DCLP.

5.5 The proposed development will mean the loss of the majority of the trees subject of the provisional TPO CYC 341. The trees as part of the landscape character of the area are a well-recognised natural asset that make a valuable contribution to the character and appearance of the area. Their loss will be detrimental to the area's character and appearance and contrary to policy NE1 of the DCLP.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre . The site is identified as Green Belt in the City of York Draft Local Plan Fourth Set of Changes (April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. The considerations put forward by the applicant (namely contribution to unmet housing need; creation of jobs in construction; built development on three sides of the site; provision of robust landscape buffer) do not clearly outweigh harm by reason of inappropriateness and any other harm,(such other harm being the impact on the openness of the Green

Belt and conflict with the purposes of including land within Green Belt, character and appearance of the area, loss of trees covered by a tree preservation order, ecology and access arrangement), and therefore do not amount to very special circumstances. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Draft Local Plan Fourth Set of Changes (April 2005).

2 It is considered that the introduction of an estate form of development along a lane that is characterised by frontage development; the replacement of the existing informal landscape with a narrow regular woodland belt and loss of land which together with adjacent agricultural fields provides an open rural setting for Knapton village and the City would cause significant harm to the character and appearance of the area. This would be contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and GP1 of the City of York Draft Local Plan Fourth Set of Changes (April 2005) which similarly expects proposals to respect or enhance the local environment.

3 The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor) in the evidence base to the emerging local plan - AMEC Open Space and Green Infrastructure Report, September 2014. Through the Local Biodiversity Action Plan these have been identified across York to link together habitats to create an overall structural network for wildlife. The Acomb Corridor is important for a series of grassland sites (many designated as SINCs) and extensive aligned gardens linked to create a network of corridors through the area. It is considered that the scheme which will result in the loss of significant areas of habitat at the rear of the site as well as disruption to the habitat along the site frontage will be detrimental to the sites importance as a 'stepping stone' in the Local Green Infrastructure Corridor. The new compensatory landscaping is located partially within the adjacent agricultural field and would be separated from the wider landscape benefits that are provided by the existing areas connection to the Knapton Lane gardens. It is considered that the loss of the site's biodiversity would be contrary to the advice in National Planning Policy Framework, paragraphs 109 and 118, which seeks to conserve and enhance biodiversity and NE8 of the City of York Draft Local Plan (April 2005) which seeks to resist development which impairs the integrity of green corridors

4 The Town and Country Planning Act 1990 and subsequent Acts and regulations allow for the protection of trees for amenity reasons. The proposed development will result in the loss of the majority of the trees subject of Tree Preservation Order (order number CYC341). It is considered that the loss of valued trees (covered by a Tree Preservation Order) would be contrary to the advice in National Planning Policy Framework, paragraphs 109. The trees are a natural

asset that make a valuable contribution to the landscape character of the area. Their loss will be detrimental to the area's character and appearance and contrary to Policy NE1 of the City of York Draft Local Plan (April 2005) .

Contact details:

Author: Diane Cragg Development Management Officer (Mon/Tues/Wed/Thurs)

Tel No: 01904 551351